

Application No.: 09/854,199

Docket No.: KLQ-002RCE

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In the foregoing claim amendments, Applicant has amended independent claims 1, 12, 13 and 21. Claims 1-28 are currently pending, of which claims 1, 12, 13 and 21 are independent. No new matter has been added and no issues have been raised. Reconsideration and allowance are requested in light of the foregoing claim amendments and the following remarks.

I. Telephone Interview with the Examiner

Applicant thanks the Examiner for the telephone interview conducted with the Examiner on March 30, 2007. The topic of the interview focused on the 35 U.S.C. §102(e) rejections of claims 1-28 in view of United States Patent Number 6,356,909 to Spencer (hereafter "Spencer"). The subject matter of the claimed invention and the Spencer reference were discussed. The Examiner appeared to indicate that Applicant's claims do not fully read on the Spencer reference. However, the Examiner also suggested making claim amendments to further distinguish Applicant's claims over the Spencer reference.

II. Claim Amendments

In view of the interview with the Examiner, Applicant has amended independent claims 1, 12, 13 and 21 to further distinguish them from the Spencer reference. Applicant has amended independent claim 1 to recite "determining a resource exchangeable for a response to an inquiry by an inquirer," and has amended independent claim 21 to recite "determining a resource exchangeable for a response to an inquiry." Similarly, Applicant has amended independent claim 12 to recite "providing an inquirer and a consultant with access to the communications network for determining a resource exchangeable for a response to an inquiry," and has amended independent claim 13 to recite "a resource determination facility for determining a resource exchangeable for a response to an inquiry." No new matter has been added.

Applicant believes that the above claim amendments address the issues raised by the Examiner during the interview, and asserts that the amendments further distinguish Applicant's claims from the Spencer reference, as will be explained below.

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Claims 1-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Spencer. See Office Action, page 2. Applicant respectfully traverses the rejections of claims 1-28 under 35 U.S.C. § 102(e) as set forth below.

Spencer discusses a web-based system for managing requests for proposals (RFPs) and the corresponding responses to the RFPs. Spencer discusses the use of a web-site interface which allows a user to request specific information for goods and service from specified vendors. Spencer also discusses a mechanism for automating the process of responding to the RFPs as well as a mechanism for automating the subsequent review, analysis and presentation of the responses. The system in Spencer attempts to provide an efficient system that enables a user to evaluate RFPs and their responses while also shortening the time required by vendors to generate the requested proposals. See Spencer, abstract.

A. Claim 1

Applicant respectfully submits that Spencer fails to disclose at least the following features of amended independent claim 1: (a) "determining a resource exchangeable for a response to an inquiry by an inquirer" and (b) "exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry."

Applicant respectfully submits that Spencer fails to disclose "determining a resource exchangeable for a response to an inquiry by an inquirer," as recited in amended claim 1. The Examiner did not cite Spencer as disclosing the above feature of amended claim 1. In connection with Figures 2 and 5, Spencer discusses that after a user posts an RFP, selected respondents are invited and can respond with an appropriate response. The user manually checks responses for accuracy and completeness. All responses are then compiled into a proposal document, which is again checked to ensure it meets the requirements specified by the RFP. See Spencer, column 14, line 42 – column 16, line 15. Spencer does not disclose determining a resource exchangeable for the response to the RFP before posting the RFP, or even after posting the RFP. In contrast, claim 1 requires determining a resource exchangeable for a response to an inquiry by an inquirer.

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Applicant also respectfully submits that Spencer fails to disclose "exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry," as recited in claim 1. The Examiner cited the abstract of Spencer as disclosing the above feature of claim 1. See Office Action, pages 2-3. Applicant respectfully disagrees. Spencer discusses an RFP system. RFP systems are frequently used by businesses in order to determine which vendors can satisfy their purchasing needs. The RFPs also frequently require detailed answers to questions regarding company policy, history, insurance coverage, etc. The process of creating and responding to the RFPs can be quite time-intensive, and Spencer describes an automated web-based system that aims to reduce the time for creating the RFP, responding to the RFP (for the vendor) and analyzing the responses. See Spencer, abstract and columns 3-4. However, Spencer does not address compensating a vendor for generating a response to the RFP. While it is true that in the event that an RFP response is acceptable to the entity that created the RFP, a subsequent transaction may take place in which goods are exchanged for an agreed price set forth in the RFP, that is not the same as compensating a consultant with a pre-determined resource for taking the time to answer, as required by Applicant's claim 1.

In view of the above arguments, Applicant respectfully requests reconsideration and allowance of claim 1.

B. Claims 2-11

Claims 2-11 depend from independent claim 1 and, as such, incorporate all of the elements of claim 1. Accordingly, claims 2-11 are allowable for at least the reasons set forth above with respect to claim 1. Applicant therefore respectfully requests reconsideration and allowance of claims 2-11.

C. Claim 12

Applicant respectfully submits that Spencer fails to disclose at least the following features of amended independent claim 12: (a) "providing an inquirer and a consultant with access to the communications network for determining a resource exchangeable for a response to

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an inquiry” and (b) “exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry.”

The Examiner cited the abstract and Figure 1 of Spencer as disclosing the latter of the above features of claim 12. See Office Action, pages 4-5. However, as discussed above in connection with claim 1, Spencer fails to disclose determining a resource exchangeable for a response to an inquiry or exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry, and therefore claim 12 is not anticipated by Spencer for at least this reason. Applicant respectfully requests reconsideration and allowance of claim 12.

D. Claim 13

Applicant respectfully submits that Spencer fails to disclose at least the following features of amended independent claim 13: (a) “a resource determination facility for determining a resource exchangeable for a response to an inquiry” and (b) “an exchange facility for exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry.”

The Examiner cited the abstract and Figures 1 and 2 of Spencer as disclosing the latter of the above features of claim 13. See Office Action, page 5. However, as discussed above in connection with claim 1, Spencer fails to disclose determining a resource exchangeable for a response to an inquiry or exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry, and therefore claim 13 is not anticipated by Spencer for at least this reason. Applicant respectfully requests reconsideration and allowance of claim 13.

E. Claims 14-20

Claims 14-20 depend from independent claim 13 and, as such, incorporate all of the elements of claim 13. Accordingly, claims 14-20 are allowable for at least the reasons set forth above with respect to claim 13. Applicant therefore respectfully requests reconsideration and allowance of claims 14-20.

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F. Claim 21

Applicant respectfully submits that Spencer fails to disclose at least the following features of amended independent claim 21: (a) "determining a resource exchangeable for a response to an inquiry" and (b) "providing for an exchange of the resource between the consultant and the inquirer in response to the consultant responding to the inquiry."

The Examiner cited the abstract and Figures 1 and 2 of Spencer as disclosing the latter of the above features of claim 21. See Office Action, page 6. However, as discussed above in connection with claim 1, Spencer fails to disclose determining a resource exchangeable for a response to an inquiry or exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry, and therefore claim 21 is not anticipated by Spencer for at least this reason. Applicant respectfully requests reconsideration and allowance of claim 21.

G. Claims 22-28

Claims 22-28 depend from independent claim 21 and, as such, incorporate all of the elements of claim 21. Accordingly, claims 22-28 are allowable for at least the reasons set forth above with respect to claim 21. Applicant therefore respectfully requests reconsideration and allowance of claims 22-28.

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CONCLUSION

For at least the foregoing amendments and arguments, Applicant respectfully submits that all pending claims are patentable, and requests that the rejections be reconsidered and withdrawn. If a telephone conversation with Applicant's attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Any fee due is authorized to be charged to our Deposit Account No. 12-0080, under Order No. KLQ-002RCE from which the undersigned is authorized to draw. If the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely.

Dated: May 15, 2007

Respectfully submitted,

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